

Senate Bill No. 1350

CHAPTER 330

An act to amend Section 11011.13 of, and to add Section 11011.19 to, the Government Code, and to add Section 6009 to the Public Resources Code, relating to public lands.

[Approved by Governor September 25, 2010. Filed with
Secretary of State September 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1350, Kehoe. Public Lands: records and uses.

Existing law requires the Department of General Services to maintain a complete and accurate statewide inventory of all real property held by the state and to categorize that inventory by agency and geographical location. Existing law defines "agency" for that purpose as any state agency, department, division, bureau, board, commission, district agricultural association, and the California State University, and excludes from that definition the Legislature, the University of California, and the Department of Transportation.

This bill additionally would exclude from that definition of "agency" the State Lands Commission, and would require the commission, by July 1, 2011, to furnish to the Department of General Services a record of each parcel of real property, excluding public trust lands, that the commission possesses that is not already being tracked by the statewide property inventory database. The bill would require the commission to update its record of these real property holdings, reflecting any changes occurring by December 31 of the previous year, by July 1 of each year.

The bill also would include legislative findings and declarations regarding public trust lands.

The people of the State of California do enact as follows:

SECTION 1. Section 11011.13 of the Government Code is amended to read:

11011.13. For purposes of Section 11011.15, the following definitions shall apply:

(a) "Agency" means a state agency, department, division, bureau, board, commission, district agricultural association, and the California State University. "Agency" does not mean the Legislature, the University of California, the State Lands Commission, or the Department of Transportation.

(b) “Fully utilized” means that 100 percent of the property is being appropriately utilized by a program of an agency every business day of the year.

(c) “Partially utilized” means one or more of the following:

(1) Less than 100 percent of the property is appropriately utilized by a program of an agency.

(2) The property is not used every business day of the year by an agency.

(3) The property is used by other nonstate governmental entities or private parties.

(d) “Excess land” means property that is no longer needed for either an existing or ongoing state program or a function of an agency.

SEC. 2. Section 11011.19 is added to the Government Code, to read:

11011.19. (a) The State Lands Commission, by July 1, 2011, shall furnish to the Department of General Services a record of each parcel of real property that it possesses that is not already being tracked by the statewide property inventory database. This furnishing requirement shall not apply to public trust lands. The record shall be furnished by the State Lands Commission to the Department of General Services in a uniform format specified by the Department of General Services. The Department of General Services shall consult with the State Lands Commission on the development of the uniform format. The State Lands Commission shall update its record of these real property holdings, reflecting any changes occurring by December 31 of the previous year, by July 1 of each year. Except as provided in subdivision (b), the record shall include all of the following information:

(1) The location of the property within the state and county, the size of the property, including its acreage, and any other relevant property data.

(2) The date of acquisition of the real property, if available.

(3) The manner in which the property was acquired and the purchase price, if available.

(4) A description of the current uses of the property and any projected future uses, if available.

(5) A concise description of each major structure on the property.

(b) For school lands held in trust by the State Lands Commission, the record shall include the location of the property within the state and county and the size of the property, including its acreage.

SEC. 3. Section 6009 is added to the Public Resources Code, to read:

6009. The Legislature finds and declares all of the following:

(a) Upon admission to the United States, and as incident of its sovereignty, California received title to the tidelands, submerged lands, and beds of navigable lakes and rivers within its borders, to be held subject to the public trust for statewide public purposes, including commerce, navigation, fisheries, and other recognized uses, and for preservation in their natural state.

(b) The state’s power and right to control, regulate, and utilize its tidelands and submerged lands when acting within the terms of the public trust is absolute.

(c) Tidelands and submerged lands granted by the Legislature to local entities remain subject to the public trust, and remain subject to the oversight authority of the state by and through the State Lands Commission.

(d) Grantees are required to manage the state's tidelands and submerged lands consistent with the terms and obligations of their grants and the public trust, without subjugation of statewide interests, concerns, or benefits to the inclination of local or municipal affairs, initiatives, or excises.

(e) The purposes and uses of tidelands and submerged lands is a statewide concern.

SEC. 4. The addition of Section 6009 to the Public Resources Code by Section 3 of this act does not constitute a change in, but is declaratory of, existing law.